

**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

**DATE:** July 16, 2010

**TO:** Loudoun County Planning Commission

**FROM:** Stephen Gardner, Project Manager  
Julie Pastor, Director

**SUBJECT:** **July 21, 2010 Planning Commission Work Session**  
**Dulles Town Center**  
**ZMAP 2007-0001, SPEX 2008-0047 & SPEX 2008-0048**

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**BACKGROUND:**

The Planning Commission held a public hearing on this application on September 17, 2009; no members of the public spoke for or against the application. It was indicated at the meeting that further consideration of this application would be in conjunction with the Parc Dulles II (ZMAP 2002-0017, SPEX 2008-0026 & SPEX 2008-0027) application.

Discussion from the Planning Commission included questions regarding policies governing development of the Urban Center, phasing, fiscal impacts, pedestrian connectivity, and infrastructure availability. The Planning Commission requested the Applicant describe those aspects of the development that would establish a unique sense of place and distinguish Dulles Town Center from other regional projects, particularly Tysons Corners, Reston Town Center, and Bethesda Row. Additional information regarding impacts to existing public facilities, schools, and roads was also requested. To allow time for further consideration, the Planning Commission voted 8-0-1 (Brodrick – absent) to forward the application to Work Session to be combined with the Parc Dulles II application following that Public Hearing of November 19, 2009.

Revisions to the application were originally submitted in February 2010 for staff consideration. These revisions were reviewed by Staff and were the topic of informal meetings between the Applicant and individual Planning Commissioners. The current application materials were submitted on July 1, 2010. In summary, changes made to the application since the Public Hearing include the following:

1. Commitments to 5.8 acres of civic uses within the PD-OP Land Bays;
2. Increase in the building/parking setback applicable to Land Bay CC-1 along Dulles Center Boulevard and portions of Atlantic Boulevard;

3. Enhancement of the landscape buffer associated with Land Bay CC-1 adjacent to Dulles Center Boulevard and portions of Atlantic Boulevard;
4. Enhancement of the landscape buffer associated with Land Bay TC-3 adjacent to City Center Boulevard;
5. Additional architectural design standards and provisions for a continuous building and/or landscape wall for Land Bay CC-1 along Dulles Center Boulevard;
6. Additional architectural design standards for structured parking both within the Proffers and the Design Guidelines;
7. Specification of minimum heights for office buildings and a minimum Floor Area Ratio (FAR) for Land Bay TC-1;
8. Reduction in the provisions for use transfers between TC land bays;
9. Design standards for a Covered Amphitheater, proposed as a civic amenity in the existing Hadley's Park;
10. Inclusion of a modification to Section 4-205(C)(2) to eliminate the one hundred (100) foot yard adjacent to the PD-TC District;

#### **ISSUE STATUS:**

The following issues were identified by staff as outstanding at the Public Hearing. A current status of each is included in bold type face.

1. **The percentage of public and civic uses proposed for both the TC and the OP Land Bays are not in conformance with that anticipated by the Land Use Mix noted in the Revised General Plan for the Urban Center and areas designated Keynote Employment.** The Revised General Plan anticipates ten (10) percent of the land area within the Urban Center and five (5) percent of the land area for parcels designated as suitable for Keynote Employment will be reserved for public and civic uses. The Revised 1993 Zoning Ordinance reiterates the ten (10) percent requirement within the PD-TC district regulations. A modification (Modification 14) to reduce this percentage to six (6) percent is inconsistent with the anticipated land use mix and cannot be supported. In addition, the Applicant has included the land area of uses within the six (6) percent which do not meet the definition of civic as noted within the Plan or the Ordinance, including the civic plaza, the commuter parking lot, and an existing tot lot located in Hadley's Park. Uses that do meet the definition of civic include the mass transit facility, a community center in Land Bay TC-3, a covered amphitheater proposed in Hadley's Park, and a public safety facility. As justification for the reduction in civic space, the Applicant has stated that acreage proposed as public parks and open space exceed that anticipated by the Plan (i.e. 15-percent has been provided versus the 10-percent anticipated). Collectively, twenty-one (21) percent of the total land area has been dedicated to either public and civic uses or public parks and open space.

Conversely, note 9 on Sheet 11 of the Concept Development Plan states 5.8 acres will be reserved within Land Bays OP-1, OP-2, and OP-3 for civic uses to include acreage designated as a commuter parking lot as well as outdoor public plazas and/or public gathering spaces inside buildings. The 5.8 acres, approximately five (5) percent of the total 110 acres subject to the Keynote Employment designation, is consistent with the Plan. However, as previously noted, a commuter parking lot cannot be classified as civic; plazas and gathering spaces can be classified as civic.

**Issue Status: Unresolved. The percentage of civic uses within the Urban Center, reduced by Modification 14 to six (6) percent, is inconsistent with that anticipated by both the Revised General Plan and the Revised 1993 Zoning Ordinance and includes uses that do not meet the definition of the latter. The land area designated for civic uses in the Keynote Employment PD-OP Land Bays is consistent with the percentage anticipated by the Plan but, again, includes uses that are not consistent with the definition.**

2. **Land Bay CC-1 is not in conformance with the Destination Retail policies.** Changes applicable to Land Bay CC-1 include: 1) Enhancement of the landscape buffer along Dulles Center Boulevard and Atlantic Boulevard to include additional understory and overstory plantings; 2) Elaboration of the design guidelines to provide additional specificity regarding streetscapes and building design; 3) A commitment that a minimum of seventy (70) percent of the Dulles Center Boulevard frontage will consist of either a building or landscape wall; and 4) An increase in the building and parking setback along Dulles Center Boulevard and portions of Atlantic Boulevard to thirty-five (35) feet, previously modified to twenty-five (25) feet. Though these commitments provide additional detail regarding design, architecture, and landscaping, limited assurances have been provided that the intent of destination retail (i.e. retail centers ranging from 250,000 to 1.5 million square feet or free-standing retail larger than 50,000 square feet) will be realized, and as such, the application fails to conform to the policies as noted in the Countywide Retail Policy Plan Amendment. **Issue Status: Unresolved.**
3. **A single use residential Land Bay (i.e. TC-3) adjacent to Route 7 is not consistent with the Plan's vision for a mixed-use, vertically integrated community.** Staff had indicated Land Bay TC-3 may be reasonable to ensure compatibility with existing residential communities, provided a commitment is made to an urban design, vertical integration is provided elsewhere in the Urban Center, and a minimum Floor Area Ratio (FAR) is included in the Proffers for Land Bay TC-1. The issue of minimum FAR was indicated as outstanding at the Public Hearing. However, Proffer I.D.1. has since been revised to include a commitment to a 0.5 FAR in Land Bay TC-1. **Issue Status: Resolved.**
4. **A commitment to a minimum non-residential Floor Area Ratio (FAR) in TC-1 and reiterate commitments to minimum building heights in the Proffer**



**Statement.** Proffer I.D.1. provides for a minimum FAR of 0.5 in Land Bay TC-1 at full build-out, and Proffer I.D.4. notes that all office buildings in the PD-OP and PD-TC zoning districts, exclusive of the NRU-CFC parcel, will be constructed to a minimum of four (4) stories. ***Issue Status: Resolved.***

5. **Phasing commitments should be revised to note that any residential units permitted in vertically integrated buildings above the original 650 units are contingent upon a minimum of 500,000 square feet of non-residential in the PD-TC districts only.** The Proffers continue to allow additional residential uses above the 650 maximum permitted with the development of 500,000 square feet of employment uses in either the PD-OP or PD-TC districts. The incentive for additional residential units is intended to encourage additional vertical integration within the Urban Center but should not be at the expense of maintaining a mix of uses. Specifying that 500,000 square feet of employment uses will be realized in the PD-TC district before additional residential units are permitted ensures this mix is maintained. ***Issue Status: Unresolved; No Change has been made; Staff recommends the words “and/or PD-OP” be struck from the first sentence in Proffer I.E.3.***
6. **Provide a Capital Facilities Contribution consistent with the Capital Intensity Factors (CIF) adopted by the Board at their July 21, 2009 Business Meeting.** The proffered commitment to Capital facilities remains unchanged at \$23,251,920; the anticipated commitment should be \$29,222,340. The Applicant has requested the application be subject to CIF number in effect prior to July 21, 2009, stating the length of time the application has been under consideration, the numerous revisions incorporated into the plan, and staff delay in review as justification. ***Issue Status: Unresolved; No Change has been made.***
7. **Credits requested to be applied against the capital facilities contribution are not consistent with Board policy. Appraisals and/or documentation quantifying the value should also be submitted.** The Applicant has requested a credit for acreage proposed to be dedicated to the County as Vestals Gap Park II and acreage proposed for the Mass Transit Facility. Vestals Gap Park II acreage is proposed to be publicly dedicated to the County; acreage associated with the Mass Transit Facility is not. In addition, the Applicant has requested that credits be applied for the construction and maintenance of commuter parking spaces provided in excess of one hundred (100) spaces and the construction costs associated with the Mass Transit Facility. Per the Capital Facilities Proffer Guidelines of the Revised General Plan, credits are applied for facilities “...dedicated to the County or to a local, state, federal or regional authority...” that “...satisfies a need identified in the County’s Service Plan(s) and Levels, Capital Needs Assessment (CNA), and/or Capital Improvement Program (CIP). ***Issue Status: Unresolved. Staff cannot support the proposal. These requests do not meet the definition and policy parameters for capital facilities contained in the Plan. They are not identified as capital needs and, with the exception of Vestals Gap Park II, are not proposed to be publicly***

**dedicated to the County. If the Board wishes to give the Applicant credit for any or all of these proposals, documentation quantifying the value should be submitted with accompanying justification for the identified values.**

8. **A buy-out of the residential uses located within the Route 28 tax District. *Issue Status:* Provisions for a buy-out have not been incorporated into the Proffers. **Unresolved; No Change has been made.****
9. **Provide commitments that specify the location of building entrances in relation to streets and parking decks in relation to public spaces. Expand commitments to continuous building façades and pedestrian oriented uses to include frontages along the Town Green and Civic Plaza.** Modification language applicable to Section 4-808(E), *Land Use Arrangement and Use Limitations*, has been revised to state seventy (70) percent of building frontages along the civic plaza and forty (40) percent of building frontages along the Town Green shall be occupied by pedestrian oriented uses; this language has been reiterated on Page 2-5, Block Standards, of the Design Guidelines.

In addition, proffer I.D.5. states structured parking will be consistent with the standards noted in the Design Guidelines; Pages 2-17 and 4-4 of the Design Guidelines define standards that include wrapping of structured parking with buildings, architectural integration, and the placement of pedestrian businesses on the ground floor. ***Issue Status: Resolved.***

10. **Height limitations should be included for the residential structures abutting Hadley's Park opposite the Remington Apartments.** A modification applicable to Section 4-806(B), "*Building Requirements. Building Height,*" has been amended to restrict building heights in Land Bay TC-2 fronting Kent Drive to a maximum of sixty-feet (60'). This height is consistent with that of the proximate Remington Apartments. ***Issue Status: Resolved.***
11. **Board policy anticipates residential applications will include provisions for unmet housing needs across a broad segment of the County's income spectrum from 0 – 100% Area Median Income (AMI).** The application has not been revised to provide any commitments above that required by the Revised 1993 Zoning Ordinance. Previously approved applications have included either cash contributions or reservation of housing units. ***Issue Status: Unresolved; No Change has been made.***
12. **The Proffers should include a commitment to debris removal and clean-up of the acreage proposed as Vestals Gap II Park prior to conveyance to the County.** Proffer IV.A.6.b. has been revised to state "The Owners shall ensure that the site is generally free from trash and debris upon conveyance to the County..." ***Issue Status: Resolved.***

13. **The Application should comply with the fifty-foot (50') Management Buffer adjacent to a perennial stream traversing Land Bays TC-1, TC-2, and OP-3.** The Stream Valley Plan was developed in an effort to justify a modification of the minor floor plan and a corresponding reduction in the management buffer, which would otherwise encroach into the core of the Urban Center core. Notations indicated, however, that implementation of this plan was contingent upon the approval of both this application and Parc Dulles II (ZMAP 2002-0017). This notation has been removed. ***Issue Status: Resolved.***
14. **Improvements to a Stormwater Management Pond located in Land Bay OP-2 adjacent to Route 7 should be provided if it is intended to provide BMPs for the site.** Proffer IX.D. states that a wet retention pond may be constructed in the location of the existing pond and may provide BMP credits. If this facility is intended to serve as BMPs for proposed development, a commitment to retrofit the pond to current standards should be provided. If the pond is not intended to serve as BMPs, improvements to include, at a minimum, forebays should be provided. ***Issue Status: Unresolved; No Change has been made.***
15. **Commitments should be made to tree preservation within designated Tree Conservation Areas (TCA).** Both Tree Conservation Areas and reforestation areas have been delineated on the Concept Development Plan and the Stream Valley Plan. However, language requested to provide assurances that disturbance within these areas will be limited has not been provided as part of the Proffers. Further, the Proffers allow for the placement of stormwater management facilities and low impact design facilities within designated TCAs, and language prohibiting the removal of trees has been deleted. ***Issue Status: Unresolved.***
16. **Mitigation of wetlands should be pursuant to County policy with first preferences within Loudoun County within the same watershed.** Language within the Proffers specifying a "good faith effort" will be used to mitigate wetlands has been deleted as well as the language defining the prioritization schedule noted above. ***Issue Status: Resolved. While Staff recommends the prioritization language originally included as part of the Proffers be reinstated, requiring such is not permitted by Virginia State code. As such, this issue cannot be identified as outstanding.***
17. **Shared-use trails along Atlantic Boulevard should be constructed to a minimum width of ten-feet (10').** The Concept Development Plan continues to depict eight-foot (8') wide trails, whereas ten-foot (10') trails are anticipated by the Bicycle and Pedestrian Mobility Master Plan. ***Issue Status: Unresolved; No Change has been made.***
18. **The Traffic Impact Study should be amended to include consideration of medical office and to rectify discrepancies between the development program proposed and that analyzed as well as the orientation of Century**



**Boulevard.** The Applicant has indicated an addendum to the traffic study will be provided under separate cover. **Issue Status: Unresolved; No traffic study has been provided; additional review by the Office of Transportation Services (OTS) will be needed upon receipt.**

19. **Commitments should be made to provide all future improvements for intersections noted in the Traffic Study as necessary to achieve the indicated Level of Service (LOS).** No additional commitments have been provided. **Issue Status: Unresolved; No Change has been made.**
20. **Provide signalization of intersections as warranted.** The original commitment to contribute \$150,000 toward each signal has not been expanded to include the full cost of construction. Language has also been included which relieves the Applicant of any obligation should a request be made and the intersection fails to meet warrants. **Issue Status: Unresolved; No Change has been made; Staff recommends the proffers be revised to include a commitment to construct traffic signals when warranted.**
21. **Phasing of a commuter parking lot should be revised within the Proffer Statement to provide one hundred (100) spaces immediately and an expansion to two hundred spaces (200) within 120 days following approval of the application.** The Proffers which originally specified construction of a one hundred (100) space commuter parking lot within 120 days following approval and expansion of the same to two hundred (200) spaces prior to issuance of a zoning permit for one (1) million square feet of development remain unchanged. Staff notes that the initial one hundred (100) spaces have been triggered under the current approval of ZMAP 1990-0014 but have not been provided. **Issue Status: Unresolved; No Change has been made.**
22. **Phasing of the Mass Transit Facility should be amended to provide construction concurrent with the arrival of Metro Rail.** The mass transit facility is proposed as a transfer point for existing and proposed fixed bus routes serving Dulles Town Center and resolves a major issue related to providing facilities to facilitate transit service. Proffers which originally specified construction of the mass transit facility prior to issuance of two (2) million square feet of non-residential development remain unchanged. **Issue Status: Unresolved; No Change has been made.**
23. **A circulator bus service should be provided to facilitate the movement of people between the various uses and to the Mass Transit Facility.** No commitment to said service has been provided. **Issue Status: Unresolved; No Change has been made.**
24. **Provisions allowing for a transfer of square footage between the TC land Bays should be removed from the Proffer Statement or reduced in scope.** Provisions for density transfers between land bays may be reasonable to ensure

flexibility but must include an assurance that the core will remain denser than the fringe as well as an assurance that a balanced mix of uses will be retained in each land bay. The scope of the transfer has been reduced but retains the ability to relocate up to fifty (50) percent of office uses. **Issue Status: Unresolved; Density transfers should be further limited to no more than twenty-five (25) percent of each respective use.**

25. **Rectify a discrepancy between the area of Parcel /80/////102/ (PIN # 029-37-6224) and the area proposed to be rezoned PD-TC.** Clarify the intent of Kent Drive. The area of Kent Drive that is currently a public access easement is not reflected in the area to be rezoned, though it is part of the subject parcel. **Issue Status: Deferred. Determination regarding the future abandonment of both Kent Drive and Dulles Center Boulevard are dependent upon a future determination by the Virginia Department of Transportation (VDOT) as well as a future legislative action by the Board of Supervisors.**
26. **Submit a Proffer Audit which verifies commitments approved as part of ZMAP 1990-0014 have either been fulfilled or included as part this application.** The Applicant has indicated a Proffer Audit is being prepared and will be submitted under separate cover. **Issue Status: Unresolved; A Proffer Audit has not been submitted.**
27. **Staff cannot support six (6) of the modifications of the Revised 1993 Zoning Ordinance.** The Staff Report noted that modification numbers 5, 14, 17, 19, 21, 22, and 23 could not be supported. Modification 5 proposes an increase in the maximum lot coverage to 0.9 in the Town Center Fringe. Modification 14 proposes to reduce the percentage of civic uses in the PD-TC district from ten-percent (10%) to six-percent (6%). Modification 19 proposes a reduction in the required parking for the NRU-CFC parcel. Modification 23 proposes an increase in the height for the PD-CC district from forty-five (45) feet to fifty-five (55) feet. No changes to these modifications have been made, and as such, Staff cannot support Modifications 5, 14, 19, and 23.

Conversely, Modifications 17, 21, and 22<sup>1</sup> propose reductions in the building and/or parking setbacks / yards associated with Land Bay CC-1. When

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<sup>1</sup> Modifications 17, 21, and 22 apply to the following Sections of the Revised 1993 Zoning Ordinance and propose the following:

**Modification 17:** Section 5-900(A)(10); *Access and Setbacks from Specific Roads and the W&OD Trail. Building and Parking Setbacks from Roads. Other Major Collector Roads:* Adjust the minimum building (75 feet) and parking (35 feet) setback along City Center Boulevard to 50 feet within Land Bay TC-1; Reduce the minimum building (75 feet) and parking (35 feet) setback to 25 feet in Landbay CC-1 along Atlantic Boulevard south of the access drive to the Dulles Town Circle ring road;

**Modification 21:** Section 4-205(C)(1)(b); *Lot Requirements. Yards. Adjacent to Roads. Community Center (CC):* Reduce the building, parking, outdoor storage, areas for collection of refuse, or loading area minimum yard along the Atlantic Boulevard right-of-way from 35 feet to 25 feet south of the access drive to the Dulles Town Circle ring road;



considered collectively, the modifications propose a twenty-five (25) foot setback / yard along Atlantic Boulevard north of the access drive to the Dulles Town Circle ring road, a fifteen (15) foot yard along the Dulles Town Circle ring road, and a ten (10) foot yard adjacent to Majestic Drive, among others. Originally, a uniform yard / setback of twenty-five (25) feet was proposed along the entire length of Dulles Center Boulevard and Atlantic Boulevard which has since been increased to thirty-five (35) feet. This increase would represent a yard / setback for Dulles Center Boulevard consistent with the Ordinance standard but maintains a reduction in the yard / setback along Atlantic Boulevard. Staff notes that the landscaping required along both Dulles Center Boulevard and Atlantic Boulevard has been enhanced beyond that required to include additional canopy trees and shrubs.<sup>2</sup>

Land Bay CC-1 is intended as a vehicular dependent land bay envisioned to be developed with a number of stand-alone retail pad sites; it is not intended as the pedestrian oriented, mixed-use environment that will characterize the Urban Center. Given the nature of such uses, adherence to the Ordinance standards regarding parking, loading, and collection of refuse is necessary to ensure compatibility and reduce impacts from vehicular traffic. As such, Staff cannot support Modifications 17 and 22.

Staff notes, however, Section 4-205(C)(1)(b), the ordinance section subject to Modification 21, requires a thirty-five (35) yard adjacent to any road right-of-way. As noted above, thirty-five (35) feet has been provided along all right-of-ways except a portion of the land bay south of the access drive to the Dulles Town Circle ring road. This acreage is partially developed as parking for an off-site restaurant and currently maintains a yard of twenty-five (25) feet. A reduction of adjoining acreage is reasonable to ensure consistency in the development pattern, and as such, Staff can now support Modification 21.

**Issue Status: Unresolved. Issues related to Modifications 5, 14, 19, and 23 remain outstanding as no changes have been made. Though reduced in scope, Staff cannot support Modifications 17 and 22 as the automobile dependency of the Land Bay to which they apply justify adherence to the Ordinance standards. Staff can now support Modification 21 as its application is now limited to acreage that is currently improved with a consistent development pattern.**

28. **Withdraw a modification of Section 4-205(C)(2), "Lot Requirements. Yards. Adjacent to Agricultural and Residential Districts and Land Bays Allowing**

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**Modification 22:** Section 4-205(C)(3); *Lot Requirements. Yards. Adjacent to Other Nonresidential Districts*: Reduce minimum yard widths for building, parking, outdoor storage, and loading areas adjacent to other nonresidential districts from 35 feet to widths consistent with those provided on the Concept Development Plan (CDP).

<sup>2</sup> Page 3-3 of the Design Guidelines defines a modified buffer along Atlantic Boulevard and Dulles Center Boulevard to include the following: four (4) canopy trees; two (2) understory trees; and fifty (50) shrubs.

***Residential Uses,” as it was not included as part of the Planning Commission Public Hearing legal advertisement. The above-referenced modification, applicable to the portion of Land Bay CC-1 north of Majestic Drive and the Dulles Town Circle ring road and south of the stream valley tree reforestation area, proposes to eliminate the requirement of a one hundred (100) foot building and parking setback adjacent to the PD-TC district. Issue Status: Unresolved. Should the modification not be withdrawn, a new Public Hearing will be necessary.***

29. **The Proffer Statement and Conditions of Approval have not been approved to legal form. *Issue Status: A review by Zoning Administration is pending; a review by the County Attorney's Office has not been initiated.***

**STAFF RECOMMENDATION:**

Staff cannot support this application until such time as issues related to conformance with Destination Retail policies, provisions for civic uses, fiscal impact, and transportation are addressed. Staff notes that an addendum to the Traffic Impact Study and a Proffer Audit have not been submitted. Upon receipt, additional analysis will be needed. At this time, Staff recommends the application be referred to Work Session for additional discussion.

**SUGGESTED MOTION:**

1. I move that the Planning Commission forward ZMAP 2007-0001, SPEX 2008-0047 & SPEX 2008-0048, Dulles Town Center, to a Planning Commission Work Session for further discussion.

OR,

2. I move that the Planning Commission forward ZMAP 2007-0001, SPEX 2008-0047 & SPEX 2008-0048, Dulles Town Center, to the Board of Supervisors with a recommendation of denial.

OR,

3. I move that the Planning Commission forward ZMAP 2007-0001, SPEX 2008-0047 & SPEX 2008-0048, Dulles Town Center, to the Board of Supervisors with a recommendation of approval.

OR,

4. I move an alternate motion.

**ATTACHMENTS:**

1. Vicinity Map

2. Conclusions
3. SPEX 2008-0048 Conditions of Approval; dated July 16, 2010
4. SPEX 2008-0047 Conditions of Approval; dated July 16, 2010
5. Applicant Summary of Responses to Outstanding Issues Table; dated July 1, 2010
6. Zoning Administration; Proffer Review Referral; dated April 8, 2010
7. Applicant Responses to Zoning Division Referral Comments; dated July 1, 2010
8. Proffer Statement; dated July 28, 2009; revised to July 1, 2010
9. Proffer Statement; dated July 28, 2009; revised to July 1, 2010 (Red-Line)
10. Route 7 Signalized Pedestrian Crossing Exhibit
11. Design Guidelines; dated July 2010
12. Concept Development Plan Plat, dated January 17, 2007; revised to June 30, 2010